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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 IN RE BEXTRA AND CELEBREX
12 MARKETING, SALES PRACTICE,
13 AND PRODUCT LIABILITY
LITIGATION

CASE NO. MDL No. 1699

14 This Document Relates to:

**ORDER DENYING MOTION
FOR MANDAMUS**

15 Lilak, Safdar Neil 08-5777 CRB
16 10-4831 CRB

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18 On February 3, 2012, this Court denied pro se Plaintiff Safdar Lilak's document
19 entitled a "Motion for Judicial Review," in which he asked "the reviewing court to hold
20 unlawful agency action 'not in accordance with law,'" and asserted that his "personal
21 injuries and wage loss claims has been denied wrongfully, incorrectly and illegally."
22 See Order (dkt. 30) and Mot. for Judicial Review (dkt. 28) at 2-3. The Court explained in
23 its Order that it could not reinstate Plaintiff's case. See Order at 1. The Court went on
24 the explain that, to the extent Plaintiff wished to appeal the Court's dismissal of his case
25 for failure to comply with Pretrial Order No. 31, he should have done so, and to the extent
26 that he wished to move this Court for relief from judgment under Federal Rule of Civil
27 Procedure 60, he had provided no basis for doing so. Id. at 2.

28 Plaintiff has now filed a new document entitled a "Motion for 'Mandamus

1 Instruction to Wrong Doer' to Redress the Injury Compensation for MDL 1699
2 Settlement for Pro Se Plaintiff," Mot. (dkt. 32), in which he asserts that "[t]he court is
3 hiding behind rules and ignoring the substantive purpose of the case." Id. at 1. The
4 Motion goes on to argue the merits of Plaintiff's case. Id. at 1-7.

5 The Court appreciates the importance of this case to Plaintiff, see id. at 11
6 ("Plaintiff . . . has been suffering from last 8-9 years now, living in poverty index of
7 120%-180%, and in future will be suffering, . . . has been permanently injured for life and
8 damaged career . . ."). Nonetheless, the Court is not hiding behind rules; it is bound by
9 them. The Court cannot adjudicate the merits of Plaintiff's case, which was dismissed in
10 April 2010. See Order Granting MTD (dkt. 16). Accordingly, for the same reasons the
11 Motion for Judicial Review was denied, the present Motion is as well.

12 **IT IS SO ORDERED.**

13 Dated: February 27, 2012

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15 HONORABLE CHARLES R. BREYER
16 UNITED STATES DISTRICT JUDGE
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